IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

MONDAY, THE 1ST OCTOBER 2007 / 9TH ASWINA 1929

LA.App..No. 479 of 2004(D)

LAR.1/2002 of DISTRICT COURT, LAKSHADWEEP
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APPELLANTS: RESPONDENTS
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1. U.T.OF LAKSHADWEEP, REP.BY ITS
ADMINISTRATOR, KAVARATTI.

2. THE DEPUTY COLLECTOR (HQ),
(LAND ACQUISITION COLLECTOR), U.T.OF LAKSHADWEEP,
KAVARATTI.

BY ADV. SRI.PR.RAMACHANDRA MENON,SC,LAKSHADWEEP

RESPONDENTS: CLAIMANTS
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1. DR.N.MUTHUKOYA, U.T.OF LAKSHADWEEP,
ANDROTT. (DIED)

2. CHEMEYATH NALAKATH ATTAKOYA THANGAL, DO.

3. CHEMEYATH EDAYAKKAL MOHAMMED IQUBAL, DO.

4. CHEMEYATH CHIRIYANALLAL KOYAMMAKOYA, DO.

5. PUTHIYADATH KOYA, DO.

6. PUTHIYADATH MUTHUKOYA, DO.

7. C.EDEYAKKAL OYAMMAKOYA, DO.

8. C.NALAKATH SAROMMABI, DO.

ADDL.RESPONDENTS 9 TO 14 ARE IMPLEADED AS LEGAL HEIRS OF THE DECEASED 1ST RESPONDENT VIDE ORDER DT.23.12.2005 IN IA 3491/05.

ADDL.R9. K.P.KADEEJA, AGED 56 YEARS, W/O.DR.N. MUTHUKOYA,
PUTHIYONNI HOUSE, ANDROTH ISLAND, LAKSHADWEEP.

ADDL.R10. K.P.THAHIRA, AGED 34 YEARS, D/O.N.MUTHUKOYA, DO.

11. K.P.SHAHIDA, AGED 32 YEARS, DO. DO.

12. K.P. FARITHA, AGED 30 YEARS, DO. DO.

13. K.P.UBADIULLA, AGED 23 YEARS, DO. DO.

14. K.P.FASEELA (MINOR), AGED 13 YEARS, DO. DO.
REPRESENTED BY HER MOTHER, DO.

BY ADV. SRI.V.P.MOHAMMED NIYAZ

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 01/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & HARUN-UL-RASHID, JJ.

L.A.A.No.479 of 2004 & Cross-appeal

Dated: October 1, 2007

JUDGMENT

Kurian Joseph, J.

This appeal is filed against the judgment and decree in LAR No.1/2002. There is also a cross-appeal by the claimants. Of the several grounds taken by the appellant, one serious contention is with regard to the lack of opportunity to produce the documents relied on by the land acquisition officer. As far as the claimants are concerned, they have a grievance that the documents produced by them have not been properly appreciated by the Reference Court. Having regard to the rival contentions taken by them, we are of the view that the matter requires a fresh consideration by the Reference Court.

2. Accordingly, we set aside the judgment and decree in LAR 1/2002 of the District Court, Kavaratti and remit the matter to the Reference Court with opportunity to the parties to adduce fresh evidence. Since the appeal is thus remitted, the parties will be entitled to refund of the court fee.

KURIAN JOSEPH, JUDGE

HARUN-UL-RASHID, JUDGE

mt/-

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